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EXAMINER
STEELMAN, MARY J

ART UNIT	PAPER NUMBER
2122	

DATE MAILED: 01/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<table>
<tr><td rowspan="3">**Office Action Summary**</td><td>Application No.</td><td>Applicant(s)</td></tr>
<tr><td>09/472,290</td><td>PATEL ET AL.</td></tr>
<tr><td>Examiner</td><td>Art Unit</td><td></td></tr>
<tr><td></td><td>Mary J. Steelman</td><td>2122</td><td></td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 November 2002</u> .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>22 November 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

1.   This action is in response to the amendment filed 22 November 2002.

2.   As per Applicant's request, claims 1, 5, 11, 13, 14, 15, & 16, have been amended.

Claims 17-20 have been added. Claims 1-20 are pending.

3.   Corrected informal drawings were received 22 November 2002.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section
122(b), by another filed in the United States before the invention by the applicant for patent
or (2) a patent granted on an application for patent by another filed in the United States
before the invention by the applicant for patent, except that an international application filed
under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application
designated the United States and was published under Article 21(2) of such treaty in the
English language.

5.   Claims 14 and 16 are rejected under 35 U.S.C. 102(e) as being unpatentable over U.S.

Patent 6,178,225 to Zur et al.

-Regarding claim 14, Zur teaches:

-a remote first terminal in communication with a web-based server via a network connection,

said remote first terminal comprising a remote signal; (Zur, fig. 1. & 3, col. 2, lines 47-55;

"…metering system (first terminal, SYS-1) is operative to communicate with the service center

(web-based server) via a communications network…by electronic polling (remote signal.)

-a plurality of picture archiving and communication system workstations connected to said web-

based server; (Zur, figs. 1 & 3, SYS1-N, col. 3, line 27, "…at least one digital X-ray imaging

facility (10)." Also col. 4, lines 53-54, "...imaging facility has internet connectivity...via a network connection.")

-said web-based server comprising a data retriever for retrieving data from at least one of said plurality of picture archiving and communication system workstations responsive to said remote signal. (Zur, col. 5, lines 61-62, "...images are forwarded to an archive for storage and subsequent retrieval..." and col. 6, lines 43-45, "service center (server) may electronically poll individual...imaging facilities to...update...statistics.")

Regarding claim 16, Zur teaches:

-data retriever for retrieving image files from at least one of said plurality of PACS workstations responsive to said remote signal. (Zur, col. 4, lines 34-37, "After the technologist has viewed the image (image file), the image may be exported from operating and viewing station and stored at a local archive where it is retrieved (extracting) for diagnostics.")

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   **Claims 1-4, 11-13, 19 & 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,178,225 to Zur et al, in view of U. S. Patent 6,094,531 to Allison et al.

Zur teaches a system for management of multiple imaging services within a networked system (Zur, Fig. 1) which could be part of a (Zur, col. 4, line 38) Picture Archiving and Communication System (PACS). The imaging facility has (Zur, col. 4, lines 53-54) "internet

connectivity...via a network connection." where signals are communicated between the service

center (server) and the metering systems, SYS1-N, (plurality of clients). Zur does not teach a

method to simultaneously install software to a plurality of PACS workstations. However,

Allison does teach a method for automatic simultaneous installation on a plurality of machines

(terminal / workstations / clients). (Allison, fig. 1 and col. 4, lines 43-48) "The installer (1) of

the present invention is capable of configuring several machines (3) and installing operating

systems (software) on them...simultaneously...over network...Internet." The server is directed

to install: (Allison, col. 11, line 45), "When the installer (1) receives a request from a dispatcher

(17) to install..." and the (Allison, col. 11, lines 61-65) "...installer (1) calls the installation

script...The script then causes the OS to be installed on the selected test machine..." Besides

installing operating systems, other software may be installed (updates), (col. 12, line 32) "...the

launcher (18) installs the test software..."

It would have been obvious, to one of ordinary skill in the art, at the time of the

invention, to modify the networked Picture Archiving Communication System units as taught by

Zur, by permitting the networked system to allow for simultaneous installations of software to

the PACS workstations, as taught by Allison, because PACS is a cost effective solution to image

processing, PACS is already networked, and (Allison, col. 1, lines 14-41) disclosed methods that

make it suitable for simultaneous generic installation on a plurality of networked computers

(workstations/ terminals) while minimizing human intervention and the likelihood of errors.

Regarding claim 1, Zur in view of Allison teaches:

-establishing a network connection with a web-based server; (Zur, fig. 1 and col. 2, line 51.)

-providing software for installation to a picture archiving and communication system

workstation; (Allison, col. 5, lines 42-43, "...installer is provided with the name of the

...revision (software) to be installed.")

-directing the web-based server to simultaneously install the software to a plurality of picture

archiving and communication system workstations in communication with the web-based server;

simultaneously installing software to the plurality of picture archiving and communication

system workstations. (Allison, col. 4, lines 43-46.)

Regarding claim 2, Zur in view of Allison teaches:

-instructing the server to install at least one software update to the plurality of workstations.

(Allison, col. 12, lines 32-34, "...the launcher (18) installs the test software, configures the

environment...and starts the test software.")

Regarding claim 3, Zur in view of Allison teaches:

-logging on to a web server and authenticating a user. (Allison, col. 8, lines 8-9,

"components...and the users...communicate via the Internet." Also col. 11, lines 33-36, "...each

installer contains a list of the dispatchers with which it can communicate. Each installer will also

contain a list of the test machines which it is allowed to configure and/or install.")

Regarding claim 4, Zur in view of Allison teaches:

-sending an indication message to the remote terminal to indicate whether the software

installation was successful. (Allison, col. 4, lines 12 – 15, "When the launcher program is

installed, the launcher program will notify all of the dispatcher machines with which it is allowed

to communicate that the test machine is on the system.")

Regarding claim 11, Zur in view of Allison teaches:

-a remote first terminal in communication with a web-based server via an Internet connection, said remote first terminal comprising a remote signal; (Zur, fig. 1 & col. Col. 4, lines 25-26, "…image is captured and transferred…(signal is sent by remote terminal)")

-a plurality of picture archiving and communication system workstations connected to said web-based server; (Zur, fig. 1, #SYS-1-N, & col. 4, lines 37-38, "…may be part of a Picture Archiving and Communication System…")

-said web-based server comprising an installer for simultaneously installing software to said plurality of picture archiving and communication system workstations responsive to said remote signal. (Zur teaches a networked PACS apparatus, but fails to disclose simultaneous installation of software. Allison (Allison, col. 4, lines 43-46) teaches simultaneous installation.)

Regarding claim 12, Zur in view of Allison teaches:

-first workstation comprises the remote signal for instructing said web-based server to install software to said plurality of second workstations. (Allison, col. 4, lines 43-46, "…capable of…installing…simultaneously." And figs. 1 & 2, and col. 5, lines 25-26, "…when a request to install (signal)…is received by the installer (web-based server) …")

Regarding claim 13, Zur in view of Allison teaches:

-web-based server comprises an installer for simultaneously installing software updates for pre-existing software to said plurality of picture archiving and communication system workstations.

-an installer for simultaneously installing software updates for pre-existing software to said plurality of PACS workstations. (Zur teaches networked PACS apparatus. Zur fails to teach simultaneous installation. Allison teaches simultaneous installation and installs operating systems (software updates) according to test requirements. (Allison, col. 11, lines 45 – 67,

"...the installer receives a request from a dispatcher to configure or install an OS on a test machine, the installer will send commands over the Internet...the command is received by the test machine...installer and the test machine will communicate back and forth...The script then causes the OS to be installed on the selected test machine...")

Regarding claim 19, Zur in view of Allison teaches:

-connecting to a web-based server on a network; (Zur, col. 2, lines 50-51.)

-instructing the web-based server to update software on a plurality of picture archiving and communication system workstations in communication with the web-based server; (Allison, Abstract, lines 18-19, "...installer receives requests to install...")

-simultaneously updating software on the plurality of picture archiving and communication system workstations. (Allison, col. 4, lines 43-46, "...installer...is capable of ...installing...simultaneously.")

Regarding claim 20, Zur in view of Allison teaches:

-logging on to the web-based server and authenticating a user. (Zur, col. 6, lines 45-46, "...may necessitate...password or code..")

8.   **Claims 5-8, 15, 17, & 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent 6,178,225 to Zur et al, in view of U. S. Patent 5,881,236 to Dickey.

Zur teaches a system for monitoring imaging services within a networked system (Zur, fig. 1) which could be part of a (Zur, col. 4, line 38) Picture Archiving and Communication System (PACS). The imaging facility has (Zur, col. 4, lines 53-54) "internet connectivity...via a network connection." Zur does not teach extracting a log file for analysis at the remote terminal. However, Dickey teaches a method of remotely installing software over a network that uses a log

file. (Dickey, col. 6, lines 10-14, "The log file shows the commands sent to the remote computer system and the information sent back by the remote computer system ...helps in troubleshooting...and also supplies a record of the activity.")

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the networked Picture Archiving Communication System as taught by Zur, to include a log file, as taught by Dickey, because a networked system often has many client systems. Efficient installations can be accomplished over the Internet, and a log file of transactions permits the server (or administrator) to monitor or correct error conditions remotely.

Regarding claim 5, Zur in view of Dickey teaches:

-establishing a network connection with a web-based server; (Zur, col. 2, lines 50-51, "...communicate with the service center via an Internet communication technology...")

-directing the web-based server to retrieve data from at least one file from at least one of a plurality of picture archiving and communication system workstations in communication with the web-based server, the data including a log; (Zur, fig. 3 and col. 1, lines 59-61, "...the method for management of X-ray imaging...includes an archiving step wherein a generated...image is retrievably stored... " and Dickey, col. 6, lines 9-13, "...log file showing the results of the login process." Also, col. 5, lines 60-62, "...remote computer system verifies the checksums...display is sent back to the local computer...")

-retrieving the data from the at least one file; (Zur, col. 5, lines 61-62, "...images are forwarded to an archive for storage and subsequent retrieval...)

-transmitting the data to a remote terminal; (Zur, col. 1, lines 63-64, "...archiving step includes transferring the generated digital image to a remote archive.")

-analyzing the data for an error indicator. (Dickey, col. 6, lines 6-14, checksums, troubleshooting also, col. 5, lines 62-64, "...takes the checksums and compares them to checksums ...".)

Regarding claim 6, Zur in view of Dickey teaches:

- extracting the at least one file for analysis at the remote terminal. (Zur, col. 4, lines 34-37, "After the technologist has viewed the image (file), the image may be exported from operating and viewing station and stored at a local archive where it is retrieved (extracting) for diagnostics.")

Regarding claim 7, Zur in view of Dickey teaches:

-extracting at least one log file. (Dickey, col. 4, line 14 and col. 6, lines 9-14 and fig. 9, #922.)

Regarding claim 8, Zur in view of Dickey teaches:

-extracting at least one image file. (Zur, col. 4, lines 34-37, "After the technologist has viewed the image (image file), the image may be exported from operating and viewing station and stored at a local archive where it is retrieved (extracting) for diagnostics.")

Regarding claim 15, Zur in view of Dickey teaches:

-said web-based server comprises said data retriever for retrieving log files from at least one of said plurality of picture archiving and communication system workstations responsive to said remote signal. (Dickey, col. 4, line 14 and col. 6, lines 9-14 and fig. 9, #922.)

Regarding claim 17, Zur in view of Dickey teaches:

-connecting to a web-based server on a network; (Zur, col. 2, lines 50-51, "...communicate with the service center via an Internet communication technology...")

-instructing the web-based server to extract log data from at least one of a plurality of picture

archiving and communication system workstations I communication with the web-based server;

(Dickey, col. 6, lines 9-14.)

-transmitting the log data to a remote terminal for error analysis. (Dickey, col. 6, lines 13-14 and

col. 7, lines 16-17, "...block 1108 returns the results of the scripts for storage and logging to FIG

9". also col. 5, lines 59-64.)

Regarding claim 18, Zur in view of Dickey teaches:

-extracting at least one image file from at least one of the plurality of picture archiving and

communication system workstations. (Zur, col. 4, lines 34-37, "After the technologist has

viewed the image (image file), the image may be exported from operating and viewing station

and stored at a local archive where it is retrieved (extracting) for diagnostics.")

9.   **Claims 9 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S.

Patent 6,178,225 to Zur et al, in view of U.S. Patent 5,881,236 to Dickey, and further in view of

U. S. Patent 6,192,518 to Neal.

Zur teaches a system for monitoring imaging services within a networked system (Zur,

Fig. 1) which could be part of a (Zur, col. 4, line 38) Picture Archiving and Communication

System (PACS). The imaging facility has (Zur, col. 4, lines 53-54) "internet connectivity...via a

network connection." Zur does not teach log files, a limitation of the parent claim. However,

Dickey taught log files (col. 6, lines 6-14) and analysis (col. 5, lines 55-67). Together Zur and

Dickey fail to disclose directing a search of files for a predetermined message or for an error

indicator. However, Neal teaches a method of installing software over a network where files are

searched for a text message (Neal, col. 5, lines 9-13.) and where there is a search for an error

indicator in the plurality of workstations (Neal, col. 7, lines 28-38).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of

the invention, to modify the networked Picture Archiving Communication System as taught by

Zur, to include log files at taught by Dickey, and further modify by including Neal's invention to

include a step to direct a search of files for a predetermined message or search files for an error

indicator, because controlling software installation over a network (Neal, col. 1, lines 20-37),

using search strings, or looking for error indicators reduces downtime for remote units and

increases productivity while allowing for simultaneous software updates.

Regarding claim 9, as disclosed by Zur in view of Dickey and further in view of Neal:

-directing a search of files for a predetermined message in at least one of the plurality of

workstations. (Neal, col. 5, lines 11-13, "...the invention searches for messages that contain the

"MBA 2.0" tag in the subject text...")

Regarding claim 10, as disclosed by Zur in view of Dickey and further in view of Neal:

-directing a search of files for an error indicator in at least one of the plurality of workstations.

(Neal, col. 6, lines 12-15, "If file images are required to complete the software application

installation, the agent sends an e-mail message back to the source computer...")

Response to Arguments

10.   Applicant's argument's filed on 22 November 2002 have been fully considered but they

are not persuasive.

11.   Applicant has argued, in substance, the following:

(A) Zur does not teach simultaneously installing software on a plurality of picture archiving and communication systems. Zur does not teach a web-based server.

Simultaneous installation is taught by the combination of Zur (picture archiving communication system), networked (see Zur, fig. 1, items 16, 21, and sys-1 – sys-n.) as modified by a generic simultaneous install system as taught by Allison. It would have been obvious to use a simultaneous installation on a specific system (workstations using picture archiving software.)

(B) Zur does not teach analyzing the data for an error indicator.

This is a new limitation to claim 5 and a new claim 17. Dickey disclosed analyzing data for errors at col. 5, lines 55-67 and col. 6, lines 6-14. It would have been obvious to combine Zur and Dickey (software installation) to install picture archiving software and check for errors on networked workstations.

(C) Allison does not teach a picture archiving and communication system. There is no suggestion to combine the testing system of Allison. The combination of Allison and Zur do not teach extracting and analyzing log data.

Examiner agrees that Allison does not teach a picture archiving communication system. Allison teaches a method for installing software simultaneously on networked machines. There is motivation to install a software (specifically picture archiving system) simultaneously on networked computers by combining the references of Zur and Allison, as Zur shows networked workstations running picture archiving software and a simultaneous install is an efficient method of managing networks.

Extracting / analyzing data is a newly added limitation to claim 5. As such, is rejected under the combination of Zur and Dickey.

(D) Dickey does not teach picture archiving communication system software. Dickey does not

teach extracting / analyzing log data. Dickey does not teach a simultaneous install to a plurality

of picture archiving communication system workstations.

Examiner agrees that Dickey does not teach a picture archiving communication system.

Dickey's reference is combined for the purpose of showing that a log file and analysis may be

useful when installing software from a remote computer over a network.

(E) Neal does not teach a picture archiving communication system. Neal does not teach a

simultaneous installation to a plurality of picture archiving communication system workstations.

Examiner agrees that Neal does not teach a picture archiving communication system.

Neal's reference is combined with Zur and Dickey for the purpose of showing that a message

string search may be useful when distributing software (picture archiving communication system

software) over network links.

Conclusion

12.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

U.S. Pat. No. 6,226,784 to Holmes et al., (Monitoring software system and delivery

schedule for distribution of software.)

U.S. Pat. No. 6,223,345 to Jones et al., (Client package build engine.)

13.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing
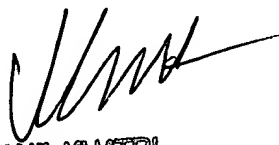
date of this final action.

14.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mary Steelman, whose telephone number is (703) 305-4564. The

examiner can normally be reached Monday through Thursday and alternate Fridays, from 7:15

A.M. to 4:45 P.M.   If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Gregory Morse can be reached on (703) 308-4789.

The fax phone numbers are (703) 746-7240 for regular communications and (703) 746-

7239 for After Final communications. Any inquiry of a general nature or relating to the status of

this application or proceeding should be directed to the receptionist whose telephone number is

(703) 305-3900.

MS

01/23/2003

ANIL KHATRI
PRIMARY EXAMINER